REMARKS/ARGUMENTS

Reconsideration and allowance of the above identified application is respectfully requested in light of the above amendments and the following remarks.

In the Official Action, Claims 7, 8, and 11 were rejected as being indefinite under §112. These claims have been amended to address the issues raised by the Examiner, and it is believed this rejection has been overcome.

The Examiner also rejected Claims 1-3 and 10 as being anticipated or rendered obvious by Walls '143, and Claims 13-14 were rejected as being anticipated by Ahmed '671. Dependent Claims 4-6, 9, and 12 were indicated to be allowable if rewritten in independent form, and dependent Claims 7, 8, and 11 were indicated to be allowable upon the §112 rejection being overcome.

Claim 1 has been amended by adding the feature that the protective layer remains permanently on the second side of the substrate, except for degradation during application of the system of layers to the first side. This is supported by the specification at page 4, line 33 to page 5, line 3.

Claim 1 also now recites that the protective layer is selected or produced in such a manner that its optical properties are matched to the conditions which are to be satisfied by the optical element. Note the full paragraph beginning at page 4, line 29 of the specification and the disclosure provided by original Claim 4, for support for this recitation.

As discussed in the specification at page 3, third paragraph, Walls discloses protecting the side of an optical lens which is not currently being sputter-coated by covering it with a membrane, a protective gel or a spray. A further

solution proposed is to use a substrate holder which temporarily covers the side to be protected. All these solutions have in common that the protective layer has to be removed after the coating of the other side has been completed in order to be able to use the lens at all (leaving the membrane or gel on the lens would render the lens useless). Therefore, the protective layer itself does not form part of the final optical element, as presently claimed.

The method of Walls has the further drawback that, in order to further process the substrate, e.g. by sputtering a further system of layers on the side which was protected first, the membrane/gel/spray has to be removed. This means significantly longer processing times (ventilation of the sputtering chamber, removal of the layer, evacuation, further sputtering) and is inefficient. Furthermore any additional handling of the substrate to remove the protective layer may damage the optical element.

Walls does not disclose or give any hint to use a permanent instead of temporary protective layer. Walls also does not disclose or renders obvious the claimed double function -- protection and being part of the final optical element -- of the protective layer.

The preamble of Claim 1 has been amended in a manner which is believed to more clearly recite that the present invention relates to an optical element. Thus this amendment is seen to be unrelated to any issue of patentability.

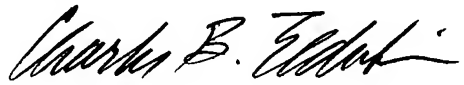
For these reasons, it is submitted that Claim 1 is clearly and patentably distinguishable from the disclosure of Walls and should be allowed. Dependent Claims 2-12 are allowable for the same reasons, and by reason of the further novel and distinguishing features set forth in these claims.

New Claims 15-19 represent allowed dependent Claims 5, 6, 9, 11 and 12, respectively, written in independent form and are thus also seen to be in condition for immediate allowance. It will be noted that the preambles of all of these new claims conform to that of Claim 1 as now presented.

As to the apparatus Claim 13, it is correct that Ahmed discloses an evacuable sputter chamber and a substrate holder with receiving elements for receiving substrates. These receiving elements can also be rotated about an axis of rotation which is oriented substantially perpendicular to the substrate sides. This is a known measure to ensure uniform distribution of the coating material on one and the same side of the substrate. However, Ahmed does not disclose that the receiving elements are additionally mounted to be rotated about a turning axis running substantially parallel to the substrate sides (and thus perpendicular to the axis of rotation). Such a possibility to turn the substrates has the advantage that it is possible to coat both sides of the substrates without the necessity of ventilating and re-evacuating the sputter chamber. Such a possibility is neither disclosed nor rendered obvious by Ahmed, since Ahmed coats only one side of the substrate.

For the reasons set forth above, it is respectfully submitted that all of the pending Claims 1-19 are in condition for immediate allowance, and such action is solicited.

Respectfully submitted,



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